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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,326	01/20/2006	Mitsuru Ohkubo	BY0019YP	2187

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EXAMINER	
KRISHNAN, GANAPATHY	
ART UNIT	PAPER NUMBER
1623	

MAIL DATE	DELIVERY MODE
04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,326	OHKUBO ET AL.	
	Examiner	Art Unit	
	Ganapathy Krishnan	1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *Aug. 7, 2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 6 is drawn to the composition of claim 5. The recitation of "intended use" of a composition or product, namely for the treatment of lung cancer, does not further limit claims drawn to a composition or a product.

Claim 7 is objected to because of the following informalities: Claim 7 recites the terms, "stomach cancer" twice. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a method of treatment of colon cancer, stomach cancer, lung cancer and leukemia, does not reasonably provide enablement for the treatment of all other cancers as recited in claim 7. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

A conclusion of lack of enablement means that, based on the evidence regarding each of the factors below, the specification, at the time the application was filed, would not have taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation.

(A) The breadth of the claims
(B) The level of one of ordinary skill
(C) The amount of direction provided by the inventor
(D) The existence of working examples
(E) The level of predictability in the art
(F) The quantity of experimentation needed to make or use the invention based on the content of the disclosure.

The breadth of the claims

Instant claim 7 recites a method of treating seventeen different types of cancers using an antitumor agent of formula (I).

The level of one of ordinary skill in the art

The level of skill of those in this art is that of an M.D./PhD.

The amount of direction provided by the inventor

The specification (page 7) just recites that the instant compounds show antitumor activity and hence are expected to be promising for the treatment of several different types of cancers.

The existence of working examples

The working examples set forth in the instant specification are drawn to the antitumor effect of the compounds of formula (I) on stomach and lung cancer cells. One of ordinary skill in the art will not extrapolate this result to methods of treatments for all other types of cancers as instantly claimed.

The level of Predictability in the Art

It is noted that the pharmaceutical art is unpredictable, requiring each embodiment to be individually assessed for physiological activity. In re Fisher, 427.2d 833, 166 USPQ (CCPA 1970) indicates that the more unpredictable an area is, the more specific enablement is necessary to satisfy the statute. The skilled artisan would view cancers as not treatable with one medicament or therapeutic regimen. Treatment efforts and efforts to cure all cancers have produced only isolated identifiable positive results. See *In re Application of Hozumi et al.*, 226 USPQ 353. Moreover, it is well known that so far no single chemotherapeutic agent has been found to be useful in the treatment of **all** cancers, or even useful in the treatment of all types of breast cancers; and colon cancers; and prostate cancers; and leukemias. For example, breast cancers and leukemia do not share a common cause and differ in their methods of treatment, i.e., breast cancers are routinely with estrogens, antiestrogens, and/or androgens, unlike leukemia which is routinely treated with I-asparaginase, daunorubicin, and purine analogs. It is known that repeated therapeutic failures, after promising in-vitro test results, suggest to the skilled artisan that claims based on in-vitro data, directed to treating cancer generally, are highly unpredictable, as taught in Trisha Gura's article in *Science*, November, 1997:

"[T]he institute started by pulling together mouse models of three tumors: a leukemia, which affects blood cells; a sarcoma, which arise in bone, muscle, or connective tissue; and carcinoma, the most common cells and includes such major killers as breast, colon, and lung cancers. Initially, many of the agents tested in these models appeared to do well. However, most worked against blood cancers such as leukemia and lymphoma, as opposed to the more common solid tumors. And when tested in human cancer patients, most of these compounds failed to live up to their early promise." (emphasis added, see for example, the middle column of the article).

Based on the known teachings of the cancer treatment such as in Trisha Gura's reference, one of skill in the art would recognize that it is highly unpredictable in regard to the treatment in the instant case, including treating numerous and various tumors: gynecological tumors, ovarian carcinomas, testicle tumors, prostate carcinomas, skin cancer, kidney cancer, bladder tumors, esophagus carcinomas, stomach cancer, rectal carcinomas, pancreas carcinomas, thyroid cancer, adrenal tumors, various types of leukemia and lymphomas, Hodgkin's disease, tumor illnesses of the CNS, soft-tissue sarcomas, bone sarcomas, benign and malignant mesotheliomas, especially intestine cancer, liver cancer, breast cancer, bronchial and lung carcinomas, melanomas, acute and chronic leukemias and benign papillomatosis tumors, by administering the very same compound.

The quantity of experimentation needed to make or use the invention based on the content of the disclosure

Indeed, in view of the information set forth, the instant disclosure is not seen to be sufficient to represent the method of treatment of all types of cancers as recited in the instant claim. One of ordinary skill in the art would have to carry out undue experimentation to practice the instant invention.

Thus, the specification fails to provide sufficient support of the broad use of the compounds for treating various cancers recited in the instant claims.

Genentech, 108 F.3d at 1366, states that "a patent is not a hunting license. It is not a reward for search, but compensation for its successful conclusion" and "patent protection is granted in return for an enabling disclosure of an invention, not for ideas that may or may not be workable".

Therefore, in view of the *Wands* factor and *In re Fisher* (CCPA 1970) discussed above, to practice the claimed invention herein, a person of skill in the art would have to engage in *undue experimentation* to test compounds and tumors encompassed in the instant claims, with no assurance of success.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 7 do not end with a period. It is not clear if the claims end as recited or if any additional text is intended. For the purpose of prosecution the claims are examined as ending with the last term recited.

Claims that depend from a rejected base claim that is unclear/indefinite are also rendered unclear/indefinite and are rejected for the same reasons.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,703,373 ('373 patent). Although the conflicting claims are not identical, they are not patentably distinct from each other because they are both drawn to various indolopyrrolocarbazole derivatives and it's use as an antitumor agent. Claim 1 of '373 patent has the same core structure as the instant, the instant has the variation of incorporating a 1-3C alkyl group between the exocyclic nitrogen group and the R group (pyridyl, furyl, or thienyl group). It would be obvious to one of ordinary skill in the art that the compounds of the instant and those of '373 patent are substantially overlapping. It is common practice in the pharmaceutical field to carry out pharmaceutical tests to select compounds which are most suitable for or desirable for use as medicaments. One would be motivated to modify the '343 compounds by incorporating a 1-3C alkyl group between the exocyclic nitrogen function and the varied pyridyl, furyl, or thienyl groups to determine if the compounds had a greater effect as an antitumor agent. Obviousness based on similarity of structure and function entails motivation to make the claimed compound in expectation that compounds similar in structure will have similar properties. Where prior art compound essentially brackets the claimed compounds and are well known anticancer/antitumor agents, one of ordinary skill in the art would be motivated to make the claimed compounds in searching for new anticancer/antitumor agents.

Claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 5,591,842 ('842 patent). Although the conflicting claims are not identical, they are not patentably distinct from each other because they are both drawn to various indolopyrrolocarbazole derivatives and it's use as an antitumor agent. Claim 1 of '842 patent has the same core structure as the instant, the instant has the variation of incorporating a 1-3C alkyl group between the exocyclic nitrogen group and the R group (pyridyl, furyl, or thienyl group). It would be obvious to one of ordinary skill in the art that the compounds of the instant and those of '842 patent are substantially overlapping. It is common practice in the pharmaceutical field to carry out pharmaceutical tests to select compounds which are most suitable for or desirable for use as medicaments. One would be motivated to modify the '842 compounds by incorporating a 1-3C alkyl group between the exocyclic nitrogen function and the varied pyridyl, furyl, or thienyl groups to determine if the compounds had a greater effect as an antitumor agent. Obviousness based on similarity of structure and function entails motivation to make the claimed compound in expectation that compounds similar in structure will have similar properties. Where prior art compound essentially brackets the claimed compounds and are well known anticancer/antitumor agents, one of ordinary skill in the art would be motivated to make the claimed compounds in searching for new anticancer/antitumor agents.

Claims 1-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-35 of copending Application No.

10/509,061 ('061 application). Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The instant claims are drawn to various indolopyrrolocarbazole derivatives and it's use as an antitumor agent. Claims 1-35 of '061 application have in combination with another antitumor agent. It would be obvious to one of ordinary skill in the art that the compounds of the instant and those of '061 application are substantially overlapping. One of ordinary skill in the art would be motivated to make a combination as instantly claimed since it is common practice in the pharmaceutical field to select antitumor compounds which are most suitable for or desirable for use as medicaments and combine it with other antitumor agents inorder to maximize the beneficial effects.

Claims 1-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/571,861 ('861 application). Although the conflicting claims are not identical, they are not patentably distinct from each other because they are both drawn to various indolopyrrolocarbazole derivatives and it's use as an antitumor agent. Claim 1 of '861 application has the same core structure as the instant, the instant has the variation of incorporating a 1-3C alkyl group between the exocyclic nitrogen group and the R group (pyridyl, furyl, or thienyl group). It would be obvious to one of ordinary skill in the art that the compounds of the instant and those of '861 are substantially overlapping. It is common practice in the pharmaceutical field to carry out pharmaceutical tests to select compounds which are most suitable for or desirable for use as medicaments. One would be motivated to modify the '861

compounds by incorporating a 1-3C alkyl group between the exocyclic nitrogen function and the varied pyridyl, furyl, or thienyl groups to determine if the compounds had a greater effect as an antitumor agent. Obviousness based on similarity of structure and function entails motivation to make the claimed compound in expectation that compounds similar in structure will have similar properties. Where prior art compound essentially brackets the claimed compounds and are well known anticancer/antitumor agents, one of ordinary skill in the art would be motivated to make the claimed compounds in searching for new anticancer/antitumor agents.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- Determining the scope and contents of the prior art.
- Ascertaining the differences between the prior art and the claims at issue.
- Resolving the level of ordinary skill in the pertinent art.
- Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Kojiri et al. (US Patent 5,591,842).

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The claims of the instant application are drawn to the indolopyrrolocarbazole derivatives and their use in a method of treatment of various cancers.

Kojiri et al. disclose indolopyrrolocarbazole derivatives having the same core structure, which have hydroxyl groups on either the 1&11 carbons or the 2&10 carbons. Additionally, Kojiri et al. disclose that R^1 and/or R^2 each are independently selected from H, a lower alkyl group, or a heterocyclic group, (column 1, line 49 - column 2, line 25) wherein the heterocyclic group includes 5- or 6-membered heterocycles containing 1-4 hetero atoms, such as N, O, and S, for example, a pyrrolyl group, a furyl group, a thienyl group, or a pyridyl group (column 3, lines 22-44). Kojiri et al. further teach the use of the compounds as antitumor agents in pharmaceutical compositions (claim 4) and also discloses the effect of the compounds on leukemia, gastric cancer and colon cancer cell lines (col. 63, example 57).

What is not disclosed by Kojiri et al. is the specific structures comprising the C1-3 alkyl group attached to the nitrogen on one side and to the unsubstituted pyridyl, furyl, or thienyl groups on the other side. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the compounds of the instant and those of Kojiri et al. are

substantially overlapping. It is common practice in the pharmaceutical field to carry out pharmaceutical tests to select compounds which are most suitable for or desirable for use as medicaments. One would be motivated to modify the compounds of Kojiri et al. by the incorporation of a 1-3C alkyl group between the exocyclic nitrogen function and the pyridyl, furyl, or thienyl groups to determine if the compounds had a greater effect as an antitumor agent, since indolopyrrolocarbazole derivatives are known in the art to be effective antitumor agents by acting on topoisomerase I. Obviousness based on similarity of structure and function entails motivation to make the claimed compound in expectation that compounds similar in structure will have similar properties. Where prior art compound essentially brackets the claimed compounds and are well known anticancer/antitumor agents, one of ordinary skill in the art would be motivated to make the claimed compounds in searching for new anticancer/antitumor agents. In re Payne, 606 F. 2d 303, 203, USPQ, 245, 254-55 (C.C.P.A. 1979).

Claims 1-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Kojiri et al. (US Patent 6,703,373).

The claims of the instant application are drawn to the indolopyrrolocarbazole derivatives and their use in a method of treatment of various cancers.

Kojiri et al. disclose indolopyrrolocarbazole derivatives having the same core structure, which have hydroxyl groups on either the 1&11 carbons or the 2&10 carbons. Additionally, Kojiri et al. disclose that R^1 and/or R^2 each are independently selected from H, a lower alkyl group, or a heterocyclic group, (column 2, line 30 - column 3, line 5) wherein R includes unsubstituted pyridyl, furyl or thienyl groups (column 2, lines 57-58). Kojiri et al. further teach

the use of the compounds as antitumor agents in pharmaceutical compositions (col. 30, claim 9) and also discloses the effect of the compounds on lung, leukemia, gastric cancer and colon cancer cell lines (col. 5, line 10 through col. 6, line 67). Example #24 in Tables 1 and 2 (see formula at col. 29) is a compound that has an unsubstituted pyridyl linked to the exocyclic nitrogen via a CH_2- group.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the compounds of the instant and those of Kojiri et al. are substantially overlapping. It is common practice in the pharmaceutical field to carry out pharmaceutical tests to select compounds that are most suitable for or desirable for use as medicaments. One would be motivated to modify the compounds of Kojiri et al. by the incorporation of a 1-3C alkyl group between the exocyclic nitrogen function and the unsubstituted pyridyl, furyl, or thienyl groups to determine if the compounds had a greater effect as an antitumor agent, since indolopyrrolocarbazole derivatives are known in the art to be effective antitumor agents by acting on topoisomerase I. Obviousness based on similarity of structure and function entails motivation to make the claimed compound in expectation that compounds similar in structure will have similar properties. Where prior art compound essentially brackets the claimed compounds and are well known anticancer/antitumor agents, one of ordinary skill in the art would be motivated to make the claimed compounds in searching for new anticancer/antitumor agents. In re Payne, 606 F. 2d 303, 203, USPQ, 245, 254-55 (C.C.P.A. 1979).

Conclusion

Claims 1-7 are rejected

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ganapathy Krishnan whose telephone number is 571-272-0654. The examiner can normally be reached on 8.30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GK

4/26/07

Shaojia Jiang
Supervisory Patent Examiner
Art Unit 1623

Approved for use through 7/31/2006. OMB 0651-0031
SUBSTITUTE for PTO/SB/08A (07-05). Information Disclosure Statement by Applicant
Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

COMPLETE IF KNOWN	
Application Number	10/565,326
Filing Date	January 20, 2006
First Named Inventor	Mitsuru Ohkubo
Group Art Unit	To be determined
Examiner Name	To be determined
Attorney Docket Number	BY0019YP

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
GK		5,591,842		Kojiri, et al.	01/07/1997
		5,668,271		Kojiri, et al.	09/16/1997
		5,804,564		Kojiri, et al.	09/08/1998
		5,922,860		Kojiri, et al.	07/13/1999
		6,703,372		Centellas, et al.	03/09/2004
GK		6,790,836		Hiraga, et al.	09/14/2004

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Office	Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
GK		EPO	EP 0528030A		Banyu Pharmaceutical Co., Ltd.	02/24/1993
		PCT	WO 96/04293 (Explanation Att.)		Banyu Pharmaceutical Co., Ltd.	02/15/1996
		PCT	WO 02/079214		Merck & Co., Inc.	10/10/2002
		JPO	JP 10-245390 (Eng Trans Att.)		Banyu Pharmaceutical Co., Ltd.	09/14/1998
GK		JPO	JP 6-12823 (Explanation Att)		Banyu Pharmaceutical Co., Ltd.	05/10/1994

Examiner Signature	G. Kaneko	Date Considered	4/25/07

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.